

REMARKS

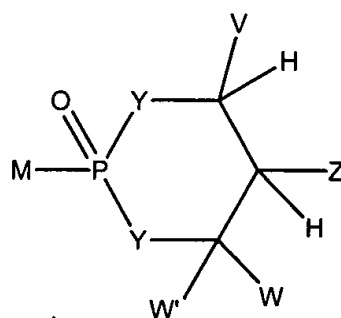
The Examiner has required restriction of the invention under 35 U.S.C. §121. The Examiner found 22 inventions:

- I. Claims 17 and 18 are drawn to cyclic phosphorus esters, compounds of formula I where one Y is Oxygen and the other Y is NR⁶;
- II. Claim 19 drawn to cyclic phosphorus amides, compounds of formula I where both Y are NR⁶;
- III. Claims 58-69, drawn to uses of Group I or II compounds for bioavailability;
- IV. Claims 70-74, drawn to uses of Group I or II compounds for delivering a drug;
- V. Claims 75-83, drawn to uses of Group I or II compounds for drug delivery to the liver;
- VI. Claims 84-88, drawn to uses of Group I or II compounds for improving therapeutic index;
- VII. Claims 89-96, drawn to uses of Group I or II compounds for kinase resistance;
- VIII. Claims 97-105, drawn to uses of Group I or II compounds for cancer treatment;
- IX. Claim 106, drawn to uses of Group I or II compounds for liver fibrosis;
- X. Claims 107 and 108, drawn to uses of Group I or II compounds for hyperlipemia;
- XI. Claim 109, drawn to uses of Group I or II compounds for parasitic infections;
- XII. Claims 110 and 111, drawn to uses of Group I or II compounds for diagnosis;
- XIII. Claims 112-120, drawn to uses of Group I or II compounds against viruses;
- XIV. Claims 121-125, drawn to uses of Group I or II compounds for drug delivery to target tissues;

- XV. Claims 126-137, drawn to uses of Group I or II compounds for P450 tumor cells;
- XVI. Claims 138-149, drawn to uses of Group I or II compounds for treating tumor cells;
- XVII. Claim 163, drawn to uses of Group I or II compounds for delivering to hepatocytes;
- XVIII. Claim 164, drawn to uses of Group I or II compounds for enhancing half-life;
- XIX. Claims 150-157, drawn to synthesis of compounds of Group I or II;
- XX. Claim 158-160, drawn to a second synthesis of the compounds of Group I or II;
- XXI. Claim 161, drawn to a phosphite amide intermediate used in the processes of Groups XIX and XX;
- XXII. Claim 162, drawn to a second phosphate amide intermediate used in the processes of Groups XIX and XX.

The Examiner found that claims 1-16, 20-57 and 165 link Groups I and II.

Applicants hereby elect the invention of Group I, represented by compounds of formula I where one Y is oxygen and the other Y is NR⁶:



I

Applicants reserve the right to pursue the invention represented by Group II in a divisional application.

The Examiner also indicated that Applicants should elect a single use from Groups III-XVIII and a single synthesis from Group XIX or Group XX. Applicants hereby elect the invention represented by the use of compounds of Group I (i.e., compounds of formula I where one Y is oxygen and the other Y is NR⁶) in each of Groups III-XVIII. Applicants reserve the right to pursue the invention represented by the use of compounds of Group II in each of Groups III-XVIII in a divisional application. Applicants also hereby elect the invention represented by Group XIX, claims 150-157. Applicants reserve the right to pursue the invention represented by Group XX (i.e., claims 158-160) in a divisional application.

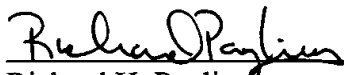
In addition, the Examiner required Applicants to elect the invention represented by either Group XXI or Group XXII. Applicants hereby elect the invention represented by Group XXI, claim 161. Applicants reserve the right to pursue the invention represented by Group XXII (i.e., claim 162) in a divisional application.

No fee is believed to be in connection with the filing of this response. However, if any fee is due, the Commissioner is authorized to charge any fee required by this response to our

Deposit Account No. 50-1273.

Respectfully submitted,

Dated: July 18, 2001

By: 
Richard H. Paglieri
Reg. No. 44,276

Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92121
Telephone: (858) 720-2500
Facsimile: (858) 720-2555